

## Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 13 March 2018 commencing at 7.30pm.

## Agenda

**Mark Stoermer**  
**Chief Executive Officer**

Wednesday 7 March 2018

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088

Telephone 9433 3111

Facsimile 9433 3777

Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)

Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

*Domin je ka*

## Future Nillumbik Committee seating plan

**Cr John Dumaresq**  
Edendale Ward  
Infrastructure  
Portfolio

**Cr Karen Egan**  
Bunjil Ward  
Economic and  
Development  
Portfolio

**Cr Grant Brooker**  
Blue Lake Ward  
Environment and  
Sustainability  
Portfolio

**Cr Peter Perkins**  
Ellis Ward  
Planning Portfolio

**Cr Jane Ashton**  
Sugarloaf Ward  
Community  
Services Portfolio

**Cr Bruce Ranken**  
Swipers Gully Ward  
Social Infrastructure  
Portfolio

**Adrian Cully**  
Director Business  
and Strategy

**Mark Stoermer**  
Chief Executive  
Officer

**Cr Peter Clarke  
(Mayor)**  
Wingrove Ward  
Finance and  
Governance  
Portfolio

**Matt Kelleher**  
Director Services  
and Planning

**Hjalmar Philipp**  
Director  
Sustainability and  
Place

Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe deliberations quietly in order for Committee meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

---

**Contents**

---

<b>1. Welcome and apologies</b>	<b>1</b>
<b>2. Disclosure of conflicts of interest</b>	<b>1</b>
<b>3. Confirmation of minutes</b>	<b>1</b>
<b>4. Officers' reports</b>	<b>2</b>
<b>Economic Development and Marketing Portfolio</b>	
FN.004/18 Special Rate Renewal for Diamond Creek - Hearing of Submissions	2
<b>5. Supplementary and urgent business</b>	<b>7</b>
<b>6. Confidential reports</b>	<b>7</b>

**Nillumbik Shire Council**

**Agenda of the Future Nillumbik Committee Meeting to be held Tuesday 13 March 2018 commencing at 7.30pm**

---

**1. Welcome and apologies**

**Welcome by the Chair**

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

**Apologies**

**Motion**

**That the apologies be accepted.**

**2. Disclosure of conflicts of interest**

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

**3. Confirmation of minutes**

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 13 February 2018.

**Motion**

**That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 13 February 2018 be confirmed.**

**4. Officers' reports****FN.004/18 Special Rate Renewal for Diamond Creek - Hearing of submissions**

---

**Portfolio: Economic Development and Marketing****Distribution: Public****Manager: Kylie Lethbridge, Manager Business, Tourism and Marketing****Author: Darko Popovski, Coordinator Tourism and Business****Kate Shannon, Business Development and Tourism Officer****Summary**

The purpose of this report is for Council to consider submissions received. Following the receipt of a written request from the Diamond Creek Traders Association (Association) to renew the special rate scheme, Council at its Ordinary Meeting on 30 January 2018 resolved to give notice of its intention to declare a special rate for that purpose.

In accordance with the requirements of the *Local Government Act 1989* (Act) formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the Diamond Valley Leader on 31 January 2018 and also by written notification being sent to the owners and occupiers of properties/ businesses upon which the Special Rate would be levied.

In response to the public notice, Council received 11 submissions (of a total of 137 properties liable to pay the special rate); with four in support of the special rate scheme and seven opposing its renewal.

This report recommends that the Committee receives and notes the contents of the submissions and hears from submitters at this meeting of Future Nillumbik Committee.

Given the important role that special rate schemes play in supporting local business through marketing and promotion, it is recommended that the Committee refer the matter of declaring, modifying or abandoning the Special Rate to the Ordinary meeting of Council to be held on 27 March 2018.

**Recommendation****That the Committee (acting under delegation from Council):**

- 1. Receives and notes the contents of submissions received in response to Council's formal notification of its intention to declare a Special Rate for marketing and promotion of Diamond Creek.**
- 2. In accordance with section 223(c) of the *Local Government Act 1989*, refers the matter of declaring, modifying or abandoning the Special Rate to the Ordinary Meeting of Council to be held on 27 March 2018.**
- 3. Notifies submitters accordingly.**

**Attachments**

- Diamond Creek Special Rate Renewal Public Notice

**4. Officers' reports****FN.004/18 Special Rate Renewal for Diamond Creek - Hearing of submissions**

---

2. Diamond Creek Special Rate Renewal Landlord Letter
3. Diamond Creek Special Rate Renewal Submissions Hearing

**Background**

1. The Diamond Creek Traders Association Committee has formally requested Council to renew the Special Rate to be used to fund promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade within the Diamond Creek shopping precinct. The Association has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds. Council collects the Special Rate on behalf of the Association and is responsible for its administration.
2. The proposal involves a proportional rate levied on properties included in the Special Rate Scheme area. This would raise an amount of \$30,000 in the first year and \$120,000 annually thereafter, raising in total an amount of \$510,000 over the five year period of the Scheme, commencing on 1 April 2018 and ending on 30 June 2022. The special rate is calculated by reference to the Capital Improved Value of each property, in a similar manner to the calculation of the general rate.
3. It will enable the implementation of an ongoing program of marketing, events, business development, business communication, networking and coordination activities. In particular, it will fund the ongoing engagement of a precinct Marketing Coordinator.
4. The Diamond Creek Special Rate scheme will apply to businesses trading from properties located in the retail and business precinct including all properties covered by the 2012-2017 Special Rate scheme. The proposed boundary covers all rateable land used or zoned for commercial, industrial, retail and professional purposes located within the Diamond Creek shopping precinct.
5. It is expected that properties within the special rate scheme area will continue to be added to or subtracted from the scheme, as further redevelopments or other changes occur over the next five years. New properties within the special rate scheme area will be added if they change to retail, commercial or professional purposes. Properties will be deleted if they change to residential purposes. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.
6. The scope of the Special Rate is based on consultation process undertaken by the Association that commenced in November 2017.

**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Encourage investment and development within the Shire to increase economic development and local employment, and broaden the rate base while at the same time preserving the Green Wedge.

**4. Officers' reports****FN.004/18 Special Rate Renewal for Diamond Creek - Hearing of submissions**

---

**Budget implications**

8. There will be no net impact on Council's budget under the proposed Special Rate renewal, as all monies raised are distributed to the Diamond Creek Traders Association.
9. Council does not retain any of the special rate funds. Council covers the administration and management costs associated with the program from its existing operating budget.

**Consultation/ communication**

10. The Association Committee has advised that it supports the renewal of the special rate, as evidenced by the Association's formal request reported to Council at its Ordinary Meeting held on 30 January 2018.
11. The proposal has been discussed with the Association's Committee of Management which has determined that the existing scheme should continue over the next five years. The rate and scope of the Special Rate is based on the business planning and consultation process undertaken by the Association.
12. Traders who contribute to the scheme are provided with ongoing opportunities to participate in decision-making on how the special rate funds are spent on marketing and promotional activities, through the sub-committees of the Association and through surveys regarding their priorities and preferences for marketing activities.
13. In determining whether to support a renewal of the special rate, the Association conducted further consultation with Diamond Creek businesses which included newsletters, flyer, a letter and email to each business included in the special rate scheme seeking formal endorsement. The correspondence explained the details of the proposal as well as an outline of the Association's recent achievements. The Association Committee advised that the feedback from this consultation was very positive.
14. In accordance with the requirements of the *Local Government Act 1989* (the Act), formal notification of the proposed special rate scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 31 January 2018, Attachment 1. Written notification was sent to the owners and occupiers of all properties/ businesses upon which the Special Rate would be levied, Attachment 2.
15. Copies of the proposed declaration of the special rate and a detailed plan of the scheme area were available for inspection during normal office hours at the Council offices in Greensborough for a period of 28 days after the date of the public notice, being until Thursday, 1 March 2018. The Council report with all attachments was also available on Council website.

**Issues/options**

16. In response to the public notice, Council received 11 submissions (of a total of 137 properties liable to pay the special rate); with four in support of the special rate scheme and seven opposing its renewal, Attachment 3.

**Submissions in support of the scheme**

- Platters Café, 1/ 67 Main Hurstbridge Road, Diamond Creek

**4. Officers' reports****FN.004/18 Special Rate Renewal for Diamond Creek - Hearing of submissions**

---

- Osteologic Healthcare, 8 Chute Street, Diamond Creek
- Darebin Travel, 77 Main Street, Diamond Creek
- Volumes Books and Gifts, 8 Chute Street, Diamond Creek

**Objections for the renewal**

- Kilara House, 124 Main Hurstbridge Road, Diamond Creek
- SuziWorld Pty. Ltd., 14 Elizabeth Street, Diamond Creek
- DC Tavern, 29 Main Hurstbridge Road, Diamond Creek
- Domino's, 7/67 Main Hurstbridge Road, Diamond Creek
- GTFJ Holdings, 25 Station Street, Diamond Creek
- Nillumbik Auto Electrical, 1/24 Elizabeth Street, Diamond Creek
- Titans Taekwondo Academy, 2/24 Elizabeth Street, Diamond Creek

17. The objectors state that their businesses have not received special benefit from the scheme. The objectors raise concern with the scheme area and properties that it encompasses such as Elizabeth Street area; the calculation method, distribution of income and the budget expenditure.

18. In response to these concerns:

- Council has followed the legislative process as outlined in this report. The public notice specified the total cost of the scheme and determined the total amount of the Special Rate to be levied. The estimated 'special benefit' that will accrue to all businesses liable to pay the Special Rate is in a ratio of 1:1 (or 100 per cent).
- The Diamond Creek special rate is distributed amongst 137 properties in a proportionate way using the property's Capital Improved Value (CIV) as calculation method. Changes in the actual dollar amounts payable by each property relate to changes (increases/decreases) in each property's CIV.
- As with previous years, the vast majority of the special rate (approximately 40 per cent of the total amount raised) continues to be paid by those high value/high turnover businesses (representing 8 per cent of the total number of properties). The majority of smaller property owners/retailers (over 70 per cent of the total number of properties) will pay between \$139 and \$976 per annum.
- The funds collected through the special rate scheme are levied by Council and then fully distributed to the Association for its expenditure in line with its business plan.

**Consideration of submissions**

19. The Act provides the legislative framework governing the imposition of a special rate, the way notification must be given, who can make submissions, and how those submissions should be considered.



**4. Officers' reports****FN.004/18 Special Rate Renewal for Diamond Creek - Hearing of submissions**

---

20. Only one person/party can object from each rateable property liable to pay the special rate; i.e. there can be no 'double voting' by the owner and the tenant. In total, there are 137 properties liable to pay the special rate, and thus the maximum number of possible objections is 137, made by either the owner or the tenant (but not both).
21. Despite the benefits of the special rate for local traders, the objecting submissions received indicate a concern with the amount to be raised, its calculation and the marketing and promotions program.
22. These businesses are involved in supplying goods and services on a commercial basis directly to the local community and will benefit from promotion of the precinct. Marketing and promotion of Diamond Creek will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long-term viability of the shopping precinct as a whole. With regard to the special benefit, it is considered that all properties used for commercial, retail or professional purposes in the proposed scheme and liable to pay the rate, will receive special benefit through increased economic activity as outlined in the public notice.
23. In accordance with sections 223(b)(c) of the *Local Government Act* 1989, any person who has made a written submission or objection to Council and requested that he/she be heard in support of their written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council. All submitters have been advised that they can appear to address their submissions at this meeting of Council's Future Nillumbik Committee.

**Conclusion**

24. The Diamond Creek Traders Association relies on appropriate funds to engage in cooperative marketing and promotion for Diamond Creek and to raise the profile of the precinct and encourage residents to shop locally. The special rate scheme enables the Association to contribute positively and in partnership with Council to the future promotion and development of Diamond Creek.
25. This report recommends that the Future Nillumbik Committee receive and note the contents of all submissions and objections received in response to the formal process as outlined in this report; and refer the matter of declaring, modifying or abandoning the Special Rate to the Ordinary Meeting of Council to be held on 27 March 2018.

**Future Nillumbik Committee agenda**

**13 March 2018**

- 5. Supplementary and urgent business**
- 6. Confidential reports**

Nil